

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:12CR287 MAC/DDB
	§	
ADAM TAYLOR BARENSPRUNG	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 30, 2016 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Camelia Lopez.

On September 12, 2013, Defendant was sentenced by the Honorable Marcia A. Crone, United States District Judge, to a sentence of 33 months imprisonment followed by a 3-year term of supervised release for the offense of Felon in Possession of a Firearm. Defendant began his term of supervision on August 18, 2015.

On February 9, 2016, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 41). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not unlawfully possess a controlled substance; (3) Defendant shall refrain from any unlawful use of a controlled substance; (4) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (5)

Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; and (6) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following violations: (1) On October 21, 2015, Defendant was arrested by the Denton County Sheriff's Office and charged with Man/Del CS PG $\geq 4G < 200G$, a 1st degree felony. He posted a \$10,000 surety bond on October 22, 2015. The case has been filed with the Denton County District Attorney's Office. On January 10, 2016, Defendant was arrested by the Dallas Police Department and charged with Prohibited Weapon Knuckles, a class A misdemeanor, and posted a \$1,000 bond. The case has been referred to the Dallas County District Attorney case number MA1651354; (2) On October 21, 2015, Defendant possessed a controlled substance as evidenced by his arrest for Man/Del CS PG 1 $\geq 4G < 200G$; (3) On October 14, 2015, Defendant submitted a urine specimen that tested positive for methamphetamine at Addiction Recovery Center in Lewisville, Texas. This specimen was confirmed positive by Alere Toxicology Services, Inc.; (4) Defendant failed to report to the U.S. Probation Office on October 27, 2015, as instructed. Defendant failed to submit a written monthly report as instructed for the months of September, October, November and December 2015; and (5) Defendant failed to submit urine specimens for testing at Addiction Recovery Center, as instructed, on October 27, November 2, November 6, November 13, November 17, November 23, and December 15, 2015.

At the hearing, Defendant entered a plea of true allegation three. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the March 30, 2016 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Bastrop, if appropriate.

SIGNED this 22nd day of April, 2016.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE